

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

LAKWOOD WATER DISTRICT,

Plaintiff,

v.

THE UNITED STATES OF AMERICA; 3M COMPANY (f/k/a Minnesota Mining Manufacturing, Co.); THE DEPARTMENT OF THE AIR FORCE; TYCO FIRE PRODUCTS LP (successor-in-interest to the Ansul Company); ANGUS INTERNATIONAL SAFETY GROUP, LTD.; BUCKEYE FIRE EQUIPMENT COMPANY; CHEMGUARD, INC.; THE CHEMOURS COMPANY; CHUBB FIRE, LTD.; E.I. DU PONT DE NEMOURS AND COMPANY; KIDDE-FENWAL, INC.; KIDDE PLC, INC.; NATIONAL FOAM, INC. (successor-in-interest to Angus Fire Armour Corp.); RAYTHEON TECHNOLOGIES CORPORATION (f/k/a United Technologies Corporation); and UTC FIRE & SECURITY AMERICAS CORPORATION, INC.,

Defendants.

Case No.: 3:20-cv-05691

NOTICE OF PENDENCY OF OTHER ACTIONS IN ANOTHER JURISDICTION OR FORUM

Per LCR 3(h) and 102(b), Plaintiff Lakewood Water District (the “District”) notifies the Court that this action, filed today, involves a material part of the same subject matter and all or

substantially the same parties as another action pending in federal court: *In re: Aqueous Film-Forming Foams Products Liability Litigation MDL*, No. 2:18-mn-02873 (D.S.C.) (the “MDL”).

The MDL includes more than 700 lawsuits filed by cities, counties, states, agencies, tribes, municipal water providers, and individuals against the United States, the Department of the Air Force, the Department of the Army, the Department of Defense, and the manufacturers of Aqueous Film-Forming Foam (“AFFF”—a substance containing per- or polyfluoroalkyl substances (“PFAS”)). Judge Richard M. Gergel is presiding over the MDL. Several MDL plaintiffs allege that PFAS from AFFF has contaminated soil and groundwater near military bases, airports, residences, and other sites where AFFF was used to extinguish liquid fuel fires, causing harm to human health and the environment, as well as property damage and other losses.

The District’s Complaint raises legal and factual issues that are materially similar to the claims asserted and issues raised in the MDL. As indicated by Judge Gergel’s Case Management Order (“CMO”) No. 1 (D.S.C. 18-02873, Dkt. #12 at p. 1), the MDL was created to include “all related cases (i.e., civil actions where plaintiff(s) allege injuries or damages caused by groundwater contaminated with chemicals found in aqueous film-forming foams products) originally filed in [the MDL court] or transferred or removed to [the MDL court], including related cases filed in, removed to, or transferred to [the MDL court].”

The MDL is “intended to conserve judicial resources, eliminate duplicative services by all counsel and co-counsel, eliminate duplicative discovery, serve the convenience of the parties and witnesses, and promote the just and efficient conduct of this litigation.” CMO No. 3 (D.S.C. 18-02873, Dkt. #72 at p. 1).

Because of the similarity in legal and factual issues in this action and those pending in the MDL, coordination of these cases will avoid conflicts, conserve resources, and promote an

efficient determination of the issues. The District therefore believes that transfer should be effected pursuant to 28 U.S.C. § 1407. Absent contrary direction from the Court, the District will also file a notice of tag-along action with the Judicial Panel on Multidistrict Litigation to trigger transfer of this case to the MDL.

Respectfully submitted July 16, 2020.

MARTEN LAW, LLP

By: /s/ Jeff B. Kray
/s/ Jessica K. Ferrell
Jeff B. Kray, Bar No. 22174
Jessica K. Ferrell, Bar No. 36917
1191 Second Ave, Suite 2200
Seattle, WA 98101
(206) 292-2600
(206) 292-2601 fax
jkray@martenlaw.com
jferrell@martenlaw.com

Attorneys for Lakewood Water District